

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY C. JOHNSON,

No. C 09-01875 CW (PR)

Petitioner,

ORDER OF DISMISSAL

v.

BILL LOCKYER, Warden,

Respondent.

On September 10, 2009, the Court issued a dismissal with leave to amend and gave Petitioner thirty days from the date of the Order to file an amended petition providing factual and legal bases for his claims. Failure to timely file an amended petition would result in dismissal for failure to prosecute. The time for Petitioner to file his amended petition has passed, and no amended petition has been filed. Accordingly,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus in the above-captioned action is dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

All pending motions are TERMINATED. The Clerk of the Court shall enter judgment in accordance with this Order and close the file.

IT IS SO ORDERED.

Dated: 10/30/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ANTHONY C JOHNSON,

Case Number: CV09-01875 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

IN RE: ANTHONY C JOHNSON et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 30, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony E. Johnson K-00750
Supp DMH D-6-106L
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960-1050

Dated: October 30, 2009

Richard W. Wiekling, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California